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U.S. DISTRICT COURT, E.D.N.Y.

★ JUL 18 2006 ★

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

- against -

04 CR 454 (S-1) (JG)

MAUREENA TURNBULL,

Defendant.

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**FINAL ORDER OF FORFEITURE AND ORDER DIRECTING THE
PAYMENT OF FUNDS ON DEPOSIT WITH THE UNITED STATES
MARSHALS TOWARD THE RESTITUTION JUDGMENT**

WHEREAS, on November 23, 2005, this Court entered a Consent Order of Forfeiture (the "Consent Order") as to the defendant Maureena Turnbull and co-defendant Roosevelt Turnbull (the "co-defendant"), pursuant to 18 U.S.C. § 981(a)(1)(C); and

WHEREAS, pursuant to the Consent Order, the Defendant Maureena Turnbull agreed to forfeit to the United States the sum of three hundred thousand dollars (\$300,000.00) in United States currency, (the "Forfeiture Money Judgment") as property constituting or derived from proceeds traceable to credit card fraud, in violation of 18 U.S.C. § 1029, which amount is on deposit with the United States Marshals Service; and

WHEREAS, legal notice of the Consent Order was published in The New York Post, a newspaper of general circulation in this district, on March 3, March 7, and March 14, 2006; and

WHEREAS, no claims or petitions relating to the Forfeiture Money Judgment have been filed in this case, the time for doing so having expired; and

WHEREAS, the Consent Order further provided that, in partial satisfaction of the Forfeiture Money Judgment, the Defendant Maureen Turnbull would forfeit all of her right, title and interest in all funds on deposit in, or transferred to or through, Bank of America account # 003448338768; and

WHEREAS, Bank of America account # 003448338768 was jointly held by defendants Maureen Turnbull and Roosevelt Turnbull; and

WHEREAS, pursuant to the Consent Order, co-defendant Roosevelt Turnbull agreed to forfeit all of his right, title and interest in all funds on deposit in, or transferred to or through account # 003448338768; and

WHEREAS, on or about January 12, 2006, the Bank of America issued a check in the amount of \$17,710.35 payable to the United States Marshals Service, representing all funds on deposit in account # 003448338768; and

WHEREAS, on November 23, 2005, the Court sentenced defendant Maureen Turnbull to, among other things, serve a term of imprisonment of 24 months, pay an assessment of \$100, pay a judgment of restitution in an amount to be determined, and comply with the consent order of forfeiture entered by the Court; and

WHEREAS, on January 19, 2006, the Court imposed an Amended Judgment As To Restitution Only and sentenced the defendant Maureen Turnbull to pay restitution in the amount of \$326,396, \$90,000 of which she was jointly and severally liable with the co-defendant Roosevelt Turnbull; and

WHEREAS, as of June 28, 2006, the defendant Maureen Turnbull has made no payments toward the assessment or restitution judgment imposed by the Court; and

WHEREAS, as of June 28, 2006, the co-defendant Roosevelt Turnbull has paid a total of \$2,933.20 toward the restitution judgment imposed against him in the amount of \$90,000; and

WHEREAS, pursuant to 18 U.S.C. § 3613(c), an order of restitution is a lien in favor of the United States on all property belonging to the Defendant and the co-defendant; and

WHEREAS, the United States, as creditor, is entitled to set off funds in the amount of an outstanding fine or restitution from funds seized from the defendant and co-defendant, see Lavin v. United States, 299 F.3d 123 (2d Cir. 2002); Ikellionwu v. United States, 150 F.3d 233, 239 (2d Cir. 1998);

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the sum of three hundred thousand dollars (\$300,000.00), and all proceeds traceable thereto, is hereby condemned, forfeited and vested in the United States of America,

and shall be disposed of according to law; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the United States Marshals Service is hereby authorized and directed to issue a check to the Clerk of the Court for the Eastern District of New York in the amount of \$17,710.35, plus any interest which has accrued thereon, which check shall reference "U.S. v. Maureen Turnbull, CR-04-0454" on its face;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Clerk of the Court shall accept the aforementioned check from the United States Marshals Service and apply \$100 to the outstanding assessment and the remaining amount to the outstanding restitution judgment imposed against the defendant Maureen Turnbull;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the United States Marshals Service and all of its duly authorized agents and/or contractors are hereby authorized and directed to dispose of the Forfeited Funds in accordance with all laws and regulations; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the United States District Court for the Eastern District of New York shall retain jurisdiction in this case for the purpose of enforcing the Consent Order of Forfeiture and this Final Order of Forfeiture; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED, that

pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, this Final Order of Forfeiture shall be made part of the sentence and included in the judgment of conviction of the Defendant; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Clerk of the Court shall forward five certified copies of this Order to the United States Attorney's Office, 147 Pierrepont Street, 14th Floor, Brooklyn, New York, Attn: Assistant U.S. Attorney Kenneth A. Stahl.

Dated: Brooklyn, New York
July 12, 2006

s/John Gleeson

HONORABLE JOHN GLEESON
UNITED STATES DISTRICT JUDGE

SIR:

PLEASE TAKE NOTICE that the within will be presented for settlement and signature to the Clerk of the United States District Court in his office at the **UNITED STATES DISTRICT COURT U.S.** Courthouse, 225 Cadman Plaza East, **EASTERN DISTRICT OF NEW YORK** Brooklyn, New York, on the _____ day of _____, 20____, at 10:30 o'clock in the forenoon.

Dated: Brooklyn New York, _____, 20____

United States Attorney,
Attorney for

To:

Attorney for

SIR:

PLEASE TAKE NOTICE that the within is a true copy of _____ duly entered herein on the _____ day of _____, in the office of the Clerk of the Eastern District of New York, _____, 20____

United States Attorney,
Attorney for

To:

Attorney for

Civil Action No. CR-04-454

UNITED STATES DISTRICT COURT
Eastern District of New York

UNITED STATES OF AMERICA,

Plaintiff,

-against -

MAUREENA TURNBULL,

Defendant.

**FINAL ORDER OF FORFEITURE AND ORDER DIRECTING
THE PAYMENT OF FUNDS ON DEPOSIT WITH THE
UNITED STATES MARSHALS TOWARD THE RESTITUTION
JUDGMENT**

ROSLYNN R. MAUSKOPF

United States Attorney,
Attorney for **EDNY**
Office and Post Office Address,
United States Courthouse
One Pierrepont Plaza
Brooklyn, New York 11201

Due service of a copy of the within
_____ is hereby admitted.
Dated: _____, 20____

Attorney for **Defendant**
KENNETH A. STAHL, AUSA
(718) 254-6519